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11 \*Attorney for Petitioner Johnny Marquez

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 Johnny Marquez,

15 Petitioner,

16 v.

17 Dwight Neven, et al.,

18 Respondents.

Case No. 3:20-cv-00073-RCJ-WGC

**Unopposed motion for extension of  
time in which to file second  
amended petition**

**(Fourth request)**

19 Johnny Marquez respectfully moves this Court for an extension of time of four-  
20 teen (14) days, from April 12, 2021, to and including April 26, 2021, to file a second  
21 amended petition.  
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After the Court appointed counsel to represent Mr. Marquez in this federal habeas action, Mr. Marquez received leave to file an initial first amended protective petition, along with a second amended petition. The second amended petition is currently due April 12, 2021.

Counsel respectfully suggests additional time remains necessary to properly prepare the second amended petition. Since the previous extension motion, counsel has finished reviewing the state court record and prior counsel's file and has made substantial progress on preparing a complete draft of the second amended petition. However, additional time remains necessary to complete the drafting process. Likewise, additional time remains necessary to apply redactions to any exhibits counsel intends to file with the second amended petition; redactions will likely be necessary because this case involves an alleged child victim. Finally, counsel has scheduled a telephone call through the prison with Mr. Marquez for today's date and anticipates the possibility of further edits to the second amended petition following that conversation. Thus, a brief additional extension remains necessary to finalize and file the second amended petition.

Counsel has had many professional obligations in the past two months, including, among others, a reply in support of a petition filed on February 18, 2021, in *Burch v. Baker*, Case No. 2:17-cv-00656-MMD-VCF (D. Nev.); an application for a certificate of appealability filed on March 3, 2021, in *Richard v. Gentry*, Case No. 21-15157 (9th Cir.); a reply brief filed on March 5, 2021, in *Cortinas v. Gentry*, Case No. 20-16227 (9th Cir.); a reply in support of a petition filed on March 18, 2021, in *Esquivel v. Williams*, Case No. 2:17-cv-02227-RFB-BNW (D. Nev.); a first amended protective petition filed on April 1, 2021, in *Stewart v. Hutchings*, Case No. 2:20-cv-01046 (D. Nev.); an amicus brief in support of a petition for a writ of certiorari filed on April 1, 2021, in *Balbuena v. Cates*, Case No. 20-1207 (U.S.); a third amended petition filed on April

1 2, 2021, in *Carley v. Gentry*, Case No. 2:14-cv-02097-JCM-BNW (D. Nev.); a reply in  
2 support of a petition for a writ of certiorari filed on April 2, 2021, in *In re Alfred Paul*  
3 *Centofanti, III*, Case No. 20-6957 (U.S.); and a third amended petition filed on April  
4 2, 2021, in *Hobson v. Howell*, Case No. 2:20-cv-00503-KJD-NJK (D. Nev.).

5 Counsel has many additional professional obligations in the next two months,  
6 including, among others, a second amended petition due on April 13, 2021, in *Thomas*  
7 *v. Williams*, Case No. 2:18-cv-00020-GMN-PAL (D. Nev.); a reply brief due on April  
8 15, 2021, in *Patterson v. Hutchings*, Case No. 20-15635 (9th Cir.); a motion for recon-  
9 sideration due on April 19, 2021, in *Olsen v. Baker*, Case No. 20-72428 (9th Cir.); an  
10 amended petition due on April 20, 2021, in *Carroll v. Dzurenda*, Case No. 2:20-cv-  
11 01691-GMN-NJK (D. Nev.); and an amended petition due on June 1, 2021, in *Patter-*  
12 *son v. Williams*, Case No. 2:20-cv-01267-GMN-NJK (D. Nev.).

13 On April 9, 2021, counsel contacted Deputy Attorney General Adam Solinger  
14 and informed him of this request for an extension of time. As a matter of professional  
15 courtesy, Mr. Solinger had no objection. His lack of objection shouldn't be considered  
16 a waiver of any procedural defenses or statute of limitations challenges, or construed  
17 as agreeing with the accuracy of the representations in this motion.

18 In sum, counsel requests an additional fourteen (14) days, up to and including  
19 April 26, 2021, in which to file the second amended petition. This is counsel's fourth  
20 request for an extension of time to file the second amended petition. This motion isn't  
21 filed for the purposes of delay, but in the interests of justice, as well as in Mr.  
22 Marquez's interest. Counsel respectfully asks the Court to grant the requested ex-  
23 tension.

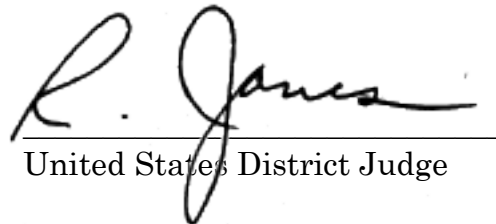
1 Dated April 12, 2021.

2 Respectfully submitted,

3  
4 Rene L. Valladares  
Federal Public Defender

5  
6 /s/ Jeremy C. Baron  
Jeremy C. Baron  
7 Assistant Federal Public Defender

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9 IT IS SO ORDERED:

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11   
12 United States District Judge

13 Dated: April 15, 2021.  
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